SUMMARY OF THE INTERVIEW

Applicant's attorney wishes to express his appreciation to the Examiner for the courtesy of conducting a telephonic interview for this application on December 8th and 15th of 2003. During these interviews, the Applicant and the Examiner discussed proposed claim amendments to independent Claims 1, 5, and 7 that if entered would overcome the cited art. It is noted that during the interview, Applicant's attorney indicated his belief that claims are patentable without these amendments; however, Applicant was willing to clarify the claimed subject matter to further the prosecution of the application at this point in time. Applicant preserves his right to prosecute the claims without these amendments in a continuation application.

REMARKS

In response to the Office Action, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Discussion of Claim Rejections Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 1-10 and 12-14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,745,568 to O'Conner (hereinafter "O'Conner") in view of the Computer Dictionary.

One embodiment of Applicant's invention is directed to a system and method that allows for the secure storage of data that is used and created by an individual when using their computer. In one embodiment, encryption hardware is provided that receives data from a processor in the computer and encrypts the data prior to storing the data on the computer and decrypts the data when it is retrieved from storage.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *See* M.P.E.P § 2143.03. Applicant respectfully submits that the cited prior fails to teach or suggest each of the above-listed claim limitations. O'Conner is directed to securing CD-ROM data for retrieval by an individual using their personal computer. O'Conner describes that a customer orders a computer system that includes selected hardware components and software files. *See* O'Conner, col. 5, lines 49-51. The manufacturer builds the computer and associates a hardware identifier to the computer hardware. *Id. at* col. 5, lines 51-55. The manufacturer uses a write-once section of a CD-ROM to write a code which enables access to the software selects chosen by the customer and writes an encryption key specific to each software selection. *Id. at* col. 5. lines 56-60. The manufacturer also writes a code specifying the computer hardware identifier to the CD-ROM. *Id. at* col. 5. lines 60-63. When the software is to be loaded onto the computer hardware, the CD-ROM is loaded onto the hardware and the user accesses a CD-ROM access program. *Id. at* col. 6. lines 4-7. The program determines whether the hardware identifier on the CD matches that in the computer hardware, and if it does, decrypts the software. *Id. at* col. 6. lines 10-32.

O'Conner does not teach or suggest as is recited in Claim 1, as amended: "encrypting and decrypting data, for storage on and retrieval from one of said data storage media using said cryptographic key, wherein the data is transmitted by the processor and is encrypted in the personal computer by the encryption hardware." Independent claims 5 and 7 contain similar types of limitations. The above-listed claims are generally directed to an *encryption and decryption* process that is carried by a personal computer that has the machine identifier. In contrast, O'Conner is directed to a method of producing secure CD-ROMs. In O'Conner, the provider of the CD-ROM encrypts the content of the CD-ROM using as a key the hardware identifier. Applicant respectfully submits that there is no teaching or suggestion in Pond that the *encryption* process is carried out by the personal computer that is to use the software on the CD-ROM. Thus, there is no teaching or suggestion that the personal computer of O'Conner performs encryption as is claimed.

Applicant notes that the encrypting in O'Conner is performed by a computer (the "CD-ROM generating computer") that is responsible for manufacturing the CD-ROM. However, Applicant respectfully submits that the CD-ROM generating computer does not make obvious the claimed invention. In O'Conner, the CD-ROM generating computer does not perform "storing an identification code in a non-erasable memory during manufacture of the personal computer, wherein said identification code is defined at least in part by information associated with components of said personal computer." In contrast, O'Conner teaches that the machine identifier is stored in a non-erasable memory of a different computer, *i.e.*, the consumer's personal computer. O'Conner fails to teach a particular computer that performs both encryption and decryption. In O'Conner, these are performed on different computers. Applicant respectfully submits that there is no motivation or suggestion in O'Conner to have either the consumer's personal computer or the CD-ROM generating computer perform *both* encryption and decryption using an identification code stored in a non-erasable memory in the subject computer.

Moreover, Applicant respectfully submits that O'Connor fails to teach or suggest the use of encryption hardware for encryption. In particular, Claim 1 as amended recites "wherein the data is transmitted by the processor and is encrypted in the personal computer by the encryption hardware." Independent Claims 5 and 7 include similar types of limitations. Applicant

respectfully submits that O'Connor fails to teach or suggest the use of hardware for decryption on the consumer's personal computer. Since the cited prior art fails to teach or suggest at least the above-limitations, Applicant respectfully submits that these claims are in condition for allowance.

Conclusion

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes, the reasons therefore, and arguments in support of the patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and the claims would satisfy the statutory requirements for patentability without the entry of such amendments. In addition, such amendments do not narrow the scope of the claims. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _12/17/2003_   By: _____
                                           Eric M. Nelson
                                           Registration No. 43,829
                                           Attorney of Record
                                           Customer No. 20,995
                                           (619) 235-8550

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